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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

STUSSY, INC.,

Plaintiff,

vs.

AXEL HERNANDEZ, IZZY
HERNANDEZ, aka IZZY SALDANA, and
DOES 1-10, inclusive,

Defendants.

Case No.: 2:23-cv-00275-CJC-DVMx

Assigned to Hon. Cormac J. Carney

**DEFENDANT AXEL ENRIQUE
HERNANDEZ' ANSWER TO THE
COMPLAINT**

DEMAND FOR JURY TRIAL

Defendant Axel Enrique Hernandez ("Defendant") answers the Complaint of Stussy, Inc. ("Plaintiff") as follows:

Allegations Common to All Claims for Relief

A. Jurisdiction and Venue

1. The allegations in Paragraph 1 of the Complaint are legal conclusions to which responses are not required. To the extent a response is required, Defendant denies the allegations.

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1 2. The allegations in Paragraph 2 of the Complaint are legal conclusions to
2 which responses are not required. To the extent a response is required, Defendant denies
3 the allegations.

4 **B. Introduction**

5 3. Answering Paragraph 3 of the Complaint, Defendant admits that he offered
6 to sell products manufactured by Plaintiff. Regarding the remaining allegations in
7 Paragraph 3, Defendant denies every allegation of the Paragraph not expressly admitted.
8 Defendant denies that Plaintiff has been damaged in any sum, whatsoever.

9 **C. Plaintiff**

10 4. Defendant lacks sufficient information to either admit or deny the
11 allegations of Paragraph 4 of the Complaint. To the extent a response is required,
12 Defendant denies the allegations.

13 5. Defendant lacks sufficient information to either admit or deny the
14 allegations of Paragraph 5 of the Complaint. To the extent a response is required,
15 Defendant denies the allegations.

16 6. Defendant lacks sufficient information to either admit or deny the
17 allegations of Paragraph 6 of the Complaint. To the extent a response is required,
18 Defendant denies the allegations.

19 7. Defendant lacks sufficient information to either admit or deny the
20 allegations of Paragraph 7 of the Complaint. To the extent a response is required,
21 Defendant denies the allegations.

22 8. Defendant lacks sufficient information to either admit or deny the
23 allegations of Paragraph 8 of the Complaint. To the extent a response is required,
24 Defendant denies the allegations.

25 9. Defendant lacks sufficient information to either admit or deny the
26 allegations of Paragraph 9 of the Complaint. To the extent a response is required,
27 Defendant denies the allegations.

10. Defendant lacks sufficient information to either admit or deny the allegations of Paragraph 10 of the Complaint. To the extent a response is required, Defendant denies the allegations.

11. Defendant lacks sufficient information to either admit or deny the allegations of Paragraph 11 of the Complaint. To the extent a response is required, Defendant denies the allegations.

12. Defendant lacks sufficient information to either admit or deny the allegations of Paragraph 12 of the Complaint. To the extent a response is required, Defendant denies the allegations.

D. Defendants

13. Answering Paragraph 13 of the Complaint, Defendant admits that he is an individual residing in Tustin, California, and has an account with depop.com. Regarding the remaining allegations in Paragraph 13, Defendant denies every allegation of the Paragraph not expressly admitted.

14. Defendant lacks sufficient information to either admit or deny the allegations of Paragraph 14 of the Complaint. To the extent a response is required, Defendant denies the allegations.

15. The allegations in Paragraph 15 of the Complaint are legal conclusions to which responses are not required. To the extent a response is required, Defendant denies the allegations.

E. Defendants' Infringing Activities

16. Answering Paragraph 16 of the Complaint, Defendant denies each and every allegation thereof.

17. Answering Paragraph 17 of the Complaint, Defendant denies each and every allegation thereof.

18. Answering Paragraph 18 of the Complaint, Defendant denies each and every allegation thereof.

1 19. Answering Paragraph 19 of the Complaint, Defendant denies each and
2 every allegation thereof, and further denies that Plaintiff has been damaged in any sum,
3 whatsoever.

4 **FIRST CLAIM FOR RELIEF**

5 20. Answering Paragraph 20 of the Complaint, Defendant incorporates his
6 answers to Paragraphs 1 through 19 of the Complaint as if set forth fully here.

7 21. Answering Paragraphs 21 of the Complaint, Defendant denies each and
8 every allegation thereof, and further denies that Plaintiff has been damaged in any sum,
9 whatsoever.

10 22. Answering Paragraph 22 of the Complaint, Defendant denies each and
11 every allegation thereof.

12 23. Answering Paragraph 23 of the Complaint, Defendant denies each and
13 every allegation thereof, and further denies that Plaintiff has been damaged in any sum,
14 whatsoever.

15 24. Answering Paragraph 24 of the Complaint, Defendant denies each and
16 every allegation thereof, and further denies that Plaintiff has been damaged in any sum,
17 whatsoever.

18 25. Answering Paragraph 25 of the Complaint, Defendant denies each and
19 every allegation thereof, and further denies that Plaintiff has been damaged in any sum,
20 whatsoever.

21 **SECOND CLAIM FOR RELIEF**

22 26. Answering Paragraph 26 of the Complaint, Defendant incorporates his
23 answers to Paragraphs 1 through 25 of the Complaint as if set forth fully here.

24 27. Defendant lacks sufficient information to either admit or deny the
25 allegations of Paragraph 27 of the Complaint. To the extent a response is required,
26 Defendant denies the allegations.

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28 **DEFENDANT AXEL ENRIQUE HERNANDEZ' ANSWER TO THE COMPLAINT;
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1 28. Defendant lacks sufficient information to either admit or deny the
2 allegations of Paragraph 28 of the Complaint. To the extent a response is required,
3 Defendant denies the allegations.

4 29. Answering Paragraph 29 of the Complaint, Defendant denies each and
5 every allegation thereof.

6 30. Answering Paragraph 30 of the Complaint, Defendant denies each and
7 every allegation thereof.

8 31. Answering Paragraph 31 of the Complaint, Defendant denies each and
9 every allegation thereof, and further denies that Plaintiff has been damaged in any sum,
10 whatsoever.

11 32. Answering Paragraph 32 of the Complaint, Defendant denies each and
12 every allegation thereof.

13 33. Answering Paragraph 33 of the Complaint, Defendant denies each and
14 every allegation thereof.

15 34. Answering Paragraph 34 of the Complaint, Defendant denies each and
16 every allegation thereof, and further denies that Plaintiff has been damaged in any sum,
17 whatsoever.

18 35. Answering Paragraph 35 of the Complaint, Defendant denies each and
19 every allegation thereof, and further denies that Plaintiff has been damaged in any sum,
20 whatsoever.

21 36. Answering Paragraph 36 of the Complaint, Defendant denies each and
22 every allegation thereof, and further denies that Plaintiff has been damaged in any sum
23 whatsoever.

24 37. Answering Paragraph 37 the Complaint, Defendant denies each and every
25 allegation thereof, and further denies that Plaintiff has been damaged in any sum
26 whatsoever.

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**DEFENDANT AXEL ENRIQUE HERNANDEZ' ANSWER TO THE COMPLAINT;
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THIRD CLAIM FOR RELIEF

38. Answering Paragraph 38 of the Complaint, Defendant incorporates his answers to Paragraphs 1 through 37 of the Complaint as if set forth fully here.

39. Answering Paragraph 39 of the Complaint, Defendant denies each and every allegation thereof.

40. Answering Paragraph 40 of the Complaint, Defendant denies each and every allegation thereof.

41. Answering Paragraph 41 of the Complaint, Defendant denies each and every allegation thereof.

42. Answering Paragraph 42 of the Complaint, Defendant denies each and every allegation thereof, and further denies that Plaintiff has been damaged in any sum, whatsoever.

43. Answering Paragraph 43 of the Complaint, Defendant denies each and every allegation thereof, and further denies that Plaintiff has been damaged in any sum, whatsoever.

GENERAL DENIAL

Except as specifically admitted herein, each, and every allegation and statement set forth in Plaintiff's Complaint is expressly denied.

AFFIRMATIVE DEFENSES

Defendant pleads the following affirmative defenses:

1. Plaintiff fails to state claims upon which relief can be granted.
2. Plaintiff's claims fail because, at all times relevant to the matters alleged in the Complaint, Defendant acted in good faith and in a reasonable manner.
3. Plaintiff's claims are barred to the extent they are based on conduct that occurred beyond the applicable statute of limitations.
4. Plaintiff's claims are barred due to estoppel, waiver, unclean hands, and/or laches.

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1 5. Plaintiff's claims for damages, if any, must be reduced to the extent
2 Plaintiff failed to mitigate its damages, if any.

3 6. Without admitting that Plaintiff suffered any damages, Plaintiff's alleged
4 damages, if any, are barred, reduced and/or limited pursuant to applicable limitations of
5 awards caps on recovery and setoffs permitted by law.

6 7. Plaintiff's claim for treble damages is barred because Defendant has not
7 engaged in any fraudulent, willful, knowing, or intentional conduct that caused damage.

8 8. Defendant did not knowingly or willfully violate any law.

9 9. Plaintiff's claims fail to the extent they are duplicative of one another.

10 Defendant reserves the right to plead any and all additional affirmative defenses,
11 including, but not limited to, those enumerated in Rule 8(c) of the Federal Rules of Civil
12 Procedure, and to likewise withdraw any affirmative defense alleged, as may be justified
13 by evidence produced through disclosure and discovery.

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DEFENDANTS' PRAYER FOR RELIEF

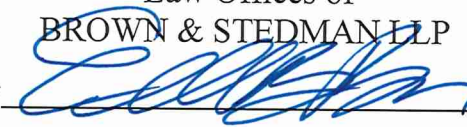
WHEREFORE, having fully answered and responded to the allegations of Plaintiff's Amended Complaint, Defendant hereby prays that:

1. Plaintiff's claims be dismissed with prejudice in their entirety;
2. Each and every prayer for relief contained in the Plaintiff's Complaint be denied;
3. Judgment be entered in favor of Defendant on all claims;
4. Costs, including reasonable attorney's fees and expenses, be awarded to Defendant and against Plaintiff, pursuant to applicable law; and
5. Defendant be granted such other and further relief as this Court may deem just and proper.

March 28, 2023.

Law Offices of
BROWN & STEDMAN LLP

By



Edwin B. Brown
Attorneys for Plaintiff Axel Enrique Hernandez

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P 38, Defendant demands a trial by jury on all issues for which a jury trial is available.

March 28, 2023.

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Edwin B. Brown
Attorneys for Plaintiff Axel Enrique Hernandez

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